IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1728 of 2005

Between:

1. R. Kasi Viswanadharao, S/o Venkata Apparao,
2. K. Venkata Narayanarao, S/o Venkata Koteswararao,
both are residents of Malleswaram (V), Lingapalem (M), West Godavari District.

... PETITIONERS

AND

1. District Collector, West Godavari District at Eluru.
2. Revenue Divisional Officer, Eluru Division, Eluru, West Godavari District.
3. Mandal Revenue Officer, Lingapalem (M), West Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondents in contemplating to evict the petitioners from their absolute private landed property of Ac. 8.00 cents covered by Sy.No.1 and 4 of Singagudem revenue village with a view to assign the same to the third parties is illegal, irregular, without power or authority and violative of Art. 14, 21 and 300 A of Constitution of India and consequently direct the respondents not to interfere in any manner with their possession, enjoyment of their absolute private landed properties.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed aggrieved by the alleged action of the respondents in seeking to evict the petitioners from the land in an extent of Ac.8.00 cents, situated in Sy.No.1 and 4 of Singagudem Revenue Village, so as to assign the same to the third parties.

The specific case of the petitioners is that the land in question was assigned in their favour as long back as on
20-09-1971 and since then, they have been in continuous possession and enjoyment of the same. It is alleged that on
28-01-2005, the Surveyor, Revenue Inspector and Panchayat Secretary visited the said lands and made an attempt to survey the same stating that the said land is required for assignment of pattas to the landless poor. Aggrieved by the same this writ petition is filed.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Revenue and keeping in view the assertion of the petitioners that the said land is a patta land, without expressing any opinion with regard to the ownership as claimed by the petitioners, the writ petition is disposed of with a direction to the respondents not to dispossess the petitioners from the land in question without following due process of law. No order as to costs.

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G. ROHINI, J

Dated: 04-02-2005

LSK

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER.

To

1. The District Collector, West Godavari District, at Eluru.

2. The Revenue Divisional Officer, Eluru Division.

3. The Mandal Revenue officer, Lingapalem (M),

West Godavari District.

4. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

5. Two C.D. copies.